IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1834 of 1984
With
CROSS OBJECTION No. 25 of 2007

For Approval and Signature:
HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AHMEDABAD MUNICIPAL CORPORATION & 3 - Appellant(s)
Versus
NIRANJAN NARMADASHANKER THAKKER - Defendant(s)

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Appearance :
MR ARUN H MEHTA for Appellant(s) : 1 - 4.MRS KETTY A MEHTA for Appellant(s) : 2,MS MEGHA JANI for Appellant(s) : 4,
MR MV CHOKSHY for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 03/07/2007

ORAL JUDGMENT

1. The non-claimants, being aggrieved by the impugned Award dtd.18/7/1984 passed by the Motor Accident

Claims Tribunal (Main), Ahmedabad dtd.18/7/1984 passed by Motor Accident Claim Petition No.93 of 1983, are before this Court challenging their liability and the quantum awarded in favour of the respondent – claimant.

2. The Supreme Court has observed that a joint appeal at the instance of owner, driver and Insurance Company would not be maintainable, but, such appeal can be made maintainable if the Insurance Company is transposed as a party respondent.

3. In the present case, if the Insurance Company represented by Ms.Megha Jani, learned counsel is transposed as party respondent, then, there is no representation for the first three appellants, and, even otherwise, they would have no right to appeal, because, monetary liability is to be suffered by the Insurance Company, which, would stand transposed as party respondent. Under the circumstances, I hold that the joint appeal even if is held maintainable, it cannot be continued at the instance of other appellants.

4. The appeal is dismissed. Interim relief, if any, is vacated. No costs.

5. As none appears for the respondents, Cross Objections are dismissed for want of prosecution.

(R.S. GARG, J.)

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